THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 16462 OF 2000

Dated 13th June, 2007

Between:

Dasari Krishna Prasad

…Petitioner

And

The District Collector, Visakhapatnam
and another.

…Respondents.

ORAL ORDER:

In this writ petition, the petitioner seeks a direction by way of mandamus to the respondents to incorporate his name in respect of Ac. 2-50 in Survey No.127/5 situated at Madhuravada village, Chinnagajula Mandal, Visakhapatnam District in all the revenue records by issuing pass book to him.

In the affidavit filed in support of the writ petition, it is stated that originally, land to an extent of Ac.5.00 in Survey No.127/5 situated at Madhuravada village, Chinnagajula Mandal, Visakhapatnam was assigned to one Mahanti Umamaheswararao, who was an ex-serviceman, by proceedings dated 22.5.1982. It is stated that though initially, there was a condition of non-alienation, but, however, subsequently Government issued orders in G.O.Ms.No.117, dated 11.11.1993 modifying the conditions originally laid down in G.O.M.No.743, Revenue Department, dated 30.4.1963 and permitting the assignees who were granted assignments on the ground that they were ex-servicemen, to alienate the property after 10 years of cultivation. It is stated that out of the extent of Ac.5.00 assigned to Umamaheswara Rao, the petitioner purchased an extent of Ac.2.50 through a registered sale-deed No.1977/2000, dated 9-6-2000. But, in spite of making application to the respondents, no steps are being taken to incorporate his name in respect of the land purchased by him in the revenue records.

Counter affidavit is filed by the Mandal Revenue Officer, Visakhapatnam Rural denying the allegations of the petitioner, and, the very assignment as claimed by the petitioner originally in favour

of Umamaheswara Rao is denied and it is stated that there was no assignment as such in favour of Umamaheswara Rao on the ground that he was an ex-serviceman. It is stated that the assignment claimed in favour of Umamaheswara Rao is a fake and forged one and as such, no rights can be claimed by the petitioner in respect of the subject land by virtue of sale-deed. It is further stated that the appeal petition filed by the petitioner before the Revenue Divisional Officer, Visakhapatnam is pending.

As much as the very assignment made in favour of the vendor of the petitioner, from whom the petitioner is claiming rights, is denied in the counter affidavit, no direction can be given straight away to incorporate the name of the petitioner in the revenue records.

However, it is made clear that the appeal stated to have been pending before the Revenue Divisional Officer, Vishakhapatnam shall be decided on its own merits without being influenced by any of the observations made in this order.

The writ petition, which is devoid of merits, is dismissed. No costs.

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13-6-2007

R.SUBHASH REDDY, J.

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